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Security Council Committee established pursuant to resolution 1737 (2006)

Letter dated 25 May 2007 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

I have the honour to submit the attached presidency note containing information on the steps taken by the European Union with a view to implementing Security Council resolutions 1737 (2006) and 1747 (2007) (see annex).

(*Signed*) Thomas **Matussek**
Ambassador

07-37657 (E) 140607

Annex to the letter dated 25 May 2007 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

Presidency note on implementing Security Council resolution 1737 (2006) and Security Council resolution 1747 (2007)

In its letter dated 21 February 2007, the Presidency of the Council of the European Union submitted to the Security Council information on the steps taken by the European Union (EU) with a view to implementing effectively the provisions of Security Council resolution 1737 (2006), and indicated that further information would follow after formal adoption of the relevant legal instruments by the EU. As the Security Council, on 24 March 2007, adopted Security Council resolution 1747 (2007), which, in its paragraph 8, also calls for a report on its implementation, the following information highlights, in chronological order, the (further) steps taken by the EU with a view to implementing the provisions of both Security Council resolutions 1737 (2006) and 1747 (2007).

Common Position 2007/140/CFSP concerning restrictive measures against Iran, which the Council of the European Union endorsed on 12 February 2007, entered into force on 27 February 2007. Council Regulation 423/2007, which implements this Common Position in the field of EC jurisdiction, went into effect on 20 April 2007. In follow-up to Security Council resolution 1747 (2007) the Council of the European Union adopted, on 23 April 2007, Common Position 2007/246/CFSP, amending Common Position 2007/140/CFSP concerning restrictive measures against Iran. Common Position 2007/246/CFSP imposes a full arms embargo on Iran covering all arms and related materiel, prohibits the procurement of arms and related material from Iran, updates the lists of persons and entities whose travel is being restricted and whose assets are being frozen, and stipulates that EU member States shall not enter into new commitments for grants, financial assistance and concessional loans to the Government of Iran, including through their participation in international financial institutions, except for humanitarian and development purposes. Commission Regulation 441/2007, which entered into force on 21 April, amended Council Regulation 423/2007, by including the names of the persons and entities whose assets are to be frozen according to Security Council resolution 1747 (2007) in the relevant annex to Council Regulation 423/2007.

Preparations are also under way to adopt without delay a further Council Regulation prohibiting the provision of technical and financial assistance, financing and investment related to arms and related materiel. The text was finalized at the working level and is expected to be adopted by the Council on 5 June 2007.

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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 5 June 2007 from the Permanent Mission of the Republic of Mauritius to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006), and further to the Mission's note verbale dated 23 February 2007, has the honour to forward herewith a report on the measures adopted by the Government of Mauritius to implement Security Council resolutions 1737 (2006) and 1747 (2007) (see annex). The report has been issued by an inter-ministerial committee under the chairmanship of the Prime Minister's Office, set up to examine ways and means to urgently implement the provisions of the said resolutions.

07-37671 (E) 150607

Annex to the note verbale dated 5 June 2007 from the Permanent Mission of the Republic of Mauritius to the United Nations addressed to the Chairman of the Committee

United Nations sanctions against Iran nuclear programme

Implementation of resolutions 1737 (2006) and 1747 (2007)

1. Introduction

On 23 December 2006, the Security Council unanimously adopted resolution 1737 (2006), which imposes economic sanctions on Iran for its failure to comply with Security Council resolution 1696 (2006) and to meet the International Atomic Energy Agency (IAEA) Board requirements.

A new resolution 1747 (2007) was subsequently adopted by the Security Council on 24 March 2007, expanding the sanctions imposed on Iran. The resolution reaffirms that Iran must take the steps required by the IAEA Board of Governors, which has called for a full and sustained suspension of all enrichment-related and reprocessing activities; and ratification and implementation of the Nuclear Non-Proliferation Treaty's (NPT) Additional Protocol granting the IAEA expanded rights of access to information and sites, as well as additional authority to use the most advanced technologies during the verification process.

Both resolutions have been adopted under the Article 41 of Chapter VII of the Charter of the United Nations and, in this respect, all United Nations Member States are required to enforce the sanctions.

It is to be noted that a Committee comprising the Security Council members has been established to implement the provisions of the resolution and Member States are required to report on measures taken in respect of same within 60 days of the adoption of the resolutions.

2. Provisions of resolution 1737 (2006)

The provisions of resolution 1737 include, inter alia, that:

(i) Iran has to suspend its uranium enrichment-related and reprocessing activities and should cooperate fully with the IAEA in resolving outstanding questions regarding its nuclear programme;

(ii) All countries have to stop supplying Iran with sensitive nuclear materials and technology that could contribute to its nuclear and missile programmes;

(iii) it is prohibited to provide Iran with any sort of technical assistance, investment, brokering or other services and the transfer of financial resources or services related to its nuclear programme;

(iv) All States are required to exercise vigilance regarding the entry into or transit through their territories of such banned nuclear sensitive materials and technologies and of individuals deemed to be engaged in Iran's proliferation of nuclear activities or for the development of nuclear weapon delivery systems;

(v) All States should freeze at the date of the adoption of the resolution or anytime thereafter all funds, other financial assets and economic resources on their territories that are owned by the persons or entities as mentioned in the annex of the resolution.

3. Provisions of resolution 1747 (2007)

(i) States are called on "to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or for the development of nuclear weapon delivery systems".

(ii) Any such persons should be reported to the Council's Iran sanctions committee. A designated list of individuals banned from travel is annexed to the resolution, but its provisions apply to others not listed who are involved in Iran's nuclear weapons programme.

(iii) The resolution imposes a strict import/export ban on Iranian weapons, deciding that "Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of Iran."

(iv) States must also "exercise vigilance and restraint" with regard to any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems destined for Iran.

(v) Except for humanitarian or development aid, States and international financial institutions should not provide funds to Iran, according to the resolution. All countries have 60 days to report to the Iran sanctions committee on steps they have taken to give effect to the resolution.

4. Measures implemented by the Government of Mauritius

Following the adoption of both resolution 1737 and 1747, the Government of Mauritius has taken a number of administrative measures with a view to implementing the provisions as laid down under these provisions. The measures that are being taken by the different Ministries/Organizations are given hereunder.

4.1 The Ministry of Public Utilities/The Radiation Protection Authority

(i) The new Radiation Protection Authority (RPA), which has recently been established under the aegis of the Ministry of Public Utilities, has the responsibility to ensure vigilance in respect of radioactive materials that may be used for the creation of nuclear weapons.

(ii) It ensures that there is no export or transit of radioactive materials and nuclear weapons. Anyone wishing to export or transit such items would have to obtain prior clearance of the RPA.

(iii) However, the RPA does not have the technical expertise to state exactly what materials other than radioactive materials that may be used for the creation of nuclear weapons. Building up the technical capabilities of the RPA staff to enable them to identify materials that can be used for development of nuclear weapon delivery systems and for the creation of nuclear weapons is required. A request will be made to IAEA for consideration.

(iv) The Radiation Protection Act is currently being amended to cater for the non-proliferation of nuclear weapons, including all materials that could be used for the creation of nuclear weapons. Section 22 of the new Bill will provide for the following:

1) No person shall attempt to carry out research on, develop, acquire, manufacture, possess, store, transport or transfer, or use nuclear weapons and their means of delivery.

2) No person shall attempt to carry out research on, develop, acquire, manufacture, possess, store, transport, transfer or use nuclear material for the purpose of making nuclear weapons.

3) No person shall participate in, assist, or finance any of the activities mentioned in subsections (1) and (2).

(v) National coordination and cooperation between the RPA and MRA (Customs Department) will help to ensure strict control over the import, export and transit of nuclear material which may be used for the creation of nuclear weapons. A Memorandum of Understanding between RPA and MRA is currently under preparation.

4.2 Customs Department

(i) The Customs Department has put in place a RISK MANAGEMENT SYSTEM whereby any trade made with Iran is flagged. All exports, imports, and trans-shipment cargo to/from Iran are subject to X-Ray Scanning and if found suspicious are physically inspected by the Customs Department.

(ii) The Customs Department is closely monitoring the situation such that there is no trade with Iran insofar as nuclear weapons and materials used for the creation of nuclear weapons is concerned. In case there is a request for trade in radioactive materials, prior clearance from the Radiation Protection Authority must be obtained.

(iii) Lists of persons involved in nuclear programme, ballistic missile programme have been conveyed to Customs personnel concerning leaving/arriving passengers at the SSR International Airport, Port-Louis Aurélie Perrine Passenger Terminal and Plaine Corail International Airport, Rodrigues. Standing instructions exist that if any of these persons are identified, the Police and the Ministry of Foreign Affairs shall be immediately informed.

(iv) List of individuals and entities subject to measures imposed by Security Council resolutions 1737 and 1747 have already been loaded in the risk management application of the Customs Management System which

possess all manifest and Customs declaration data. Consignments meeting these criteria will be subject to RED CHANNEL inspection.

(v) The Customs Department and the Radiation Protection Authority are working together towards the signing of a Memorandum of Understanding for taking measures including those to be adopted to improve the monitoring of export, import and transit of nuclear weapons and the materials thereof.

4.3 Passport and Immigration Office

(i) The list of prohibited persons has already been entered in the records of the Police and Passport and Immigration Office.

(ii) However, additional information on these people is required such as their date of birth, passport number and address and provide same to the Police and Passport and Immigration Office so that the latter might have better control on their movements, if any, in and out of the country.

4.4 Central Crime Investigation Division

The Police is ensure that there is no breach of the provisions under the resolutions. The set-up that has been put in place is such that if any material is suspected to be radioactive, it will be examined, packed and sealed by the competent Authority which in this case is the Radiation Protection Authority. However, Police will be responsible to secure the materials which are non-radioactive. These materials will then be produced as exhibits in Court.

4.5 Financial Services Commission

The Financial Services Commission has requested its licensees to report promptly to the Commission in case there is any link or suspected link with the names of persons designated under annex 1 to resolution 1747.

4.6 The Bank of Mauritius

The Bank of Mauritius has forwarded to all financial institutions falling under its purview the list of persons and entities annexed to the resolutions and has requested:

(i) Banks and non-bank deposit taking institutions to inform the Bank whether the persons and entities mentioned therein hold an account with them and to seek the approval of the Bank before executing any request for transactions with respect to those persons and entities; and

(ii) Cash dealers to seek the approval of the Bank before executing any request for transactions with respect of those persons and entities.

As to date, banks and non-bank deposit taking institutions have confirmed that none of the persons or entities mentioned in the annex to the resolutions maintain any account with them. Cash dealers have so far not sought the approval of the Bank of Mauritius to execute any request for transaction in respect of those persons and entities. The Bank of Mauritius is closely monitoring the situation.

5. Conclusion

The Government of Mauritius is fully committed towards the implementation of the provisions laid down under resolutions 1737 (2006) and 1747 (2007), and the different stakeholders are working in collaboration to strictly adhere to these provisions.